

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 BANC OF AMERICA LEASING AND
10 CAPITAL, LLC,

11 Plaintiff,

12 v.

13 K AND M AVIATION LLC, *et al.*,

14 Defendants.

Case No. C09-1558RSL

ORDER TO SHOW CAUSE

15 This matter comes before the Court *sua sponte*. On October 30, 2009, plaintiff
16 filed this action in this Court alleging that the Court has jurisdiction based on the diversity
17 of citizenship of the parties. See 28 U.S.C. § 1332(a) (establishing that the federal court's
18 basic diversity jurisdiction extends to "all civil actions where the matter in controversy
19 exceeds . . . \$75,000 . . . and is between . . . citizens of different States."). "For a case to
20 qualify for federal jurisdiction under 28 U.S.C. § 1332(a), there must be complete
21 diversity of citizenship between the parties opposed in interest." Kuntz v. Lamar Corp.,
22 385 F.3d 1177, 1181 (9th Cir. 2004) (internal citation omitted). In examining whether
23 complete diversity is present, the citizenship of a limited liability company is determined
24 by examining the citizenship of the owners/members. See Johnson v. Columbia Props.

1 Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) (holding that “like a partnership, an
2 LLC is a citizen of every state of which its owners/members are citizens.”).

3 The complaint, however, fails to allege the citizenship of each owner/member of
4 the LLC parties, which include plaintiff Banc of America Leasing and Capital, LLC;
5 defendant K and M Aviation LLC; and defendant K and M Two LLC. Therefore,
6 plaintiff has failed to meet its burden to establish the basis of the Court’s jurisdiction. See
7 Indus. Tectonics, Inc. v. Aero Alloy, 912 F.2d 1090, 1092 (9th Cir. 1990) (“The party
8 asserting jurisdiction has the burden of proving all jurisdictional facts”); Fed R. Civ. P.
9 12(h)(3) (“If the Court determines at any time that it lacks subject-matter jurisdiction, the
10 court must dismiss the action”). As a result, plaintiff is ORDERED TO SHOW CAUSE
11 why the Court should not dismiss this action for lack of subject matter jurisdiction under
12 Fed. R. Civ. P. 12(h)(3) by providing the Court with the citizenship of all of the LLC
13 parties’ owners/members, at the time the complaint was filed, by November 20, 2009.
14 The Clerk of the Court is directed to place this order to show cause on the Court’s
15 calendar for November 20, 2009.

16 DATED this 3rd day of November, 2009.

17
18
19 

20 Robert S. Lasnik
21 United States District Judge
22
23
24
25